

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

MICHAEL A. MCKINZIE,

Petitioner,

v.

CIVIL ACTION NO. 2:16-cv-06219
(Criminal No. 2:95-cr-00021)

UNITED STATES OF AMERICA,

Respondent.

ORDER

This action was referred to United States Magistrate Judge Cheryl A. Eifert for submission of proposed findings of fact and recommendations for disposition pursuant to 28 U.S.C. § 636. On March 16, 2018, Judge Eifert submitted her Proposed Findings & Recommendations [ECF No. 190] (“PF&R”) and recommended that the court **DENY** the petitioner’s Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody [ECF No. 175] and **DISMISS** the case **with prejudice**. Neither party timely filed objections to the PF&R nor sought an extension of time.

A district court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C). This court is not, however, required to review, under a de

novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985).

Because the parties have not filed objections in this case, the court accepts and incorporates herein the PF&R and orders judgment consistent therewith. The court **DENIES** the petitioner's Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody, [ECF No. 175], **DISMISSES** the case **with prejudice**, and **DIRECTS** that this action be removed from the docket.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: April 24, 2018



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE